

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

RICKIE LEE BIELICKI,

Plaintiff,

v.

BRADLEY J. DOEPKER, et al.,

Defendants.

Case No. 1:23-cv-12692

David M. Lawson
United States District Judge

Patricia T. Morris
United States Magistrate Judge

**ORDER REJECTING PROPOSED STIPULATED ORDER FOR A STAY
OF PROCEEDINGS**

On October 2, 2024, Defendant Tyler G. Davidson filed a motion to dismiss this *pro se* case based on Plaintiff's failure to prosecute. (ECF No. 42). Since then, mail sent to Plaintiff by the Court has been returned as undeliverable multiple times. (ECF Nos 47, 48, 49). On October 30, 2024, the Court entered an Order to Show Cause why the case should not be dismissed for failure to prosecute. (ECF No. 51). That Order was returned as undeliverable on November 12, 2024. (ECF No. 52). The deadline for Plaintiff to respond was November 13, 2024. To date, no response has been filed.

On December 11, 2024, Defendants submitted a proposed stipulated order for a stay of proceedings, but the Court did not sign the proposed order. In that order, the parties indicate that Plaintiff "has suffered a hemorrhagic stroke" and that

Plaintiff is in rehabilitation in Big Rapids, Michigan. The parties further state that Plaintiff's "wife and agent, Jesy Bielicki, has durable power of attorney granting her authority to act on his behalf in legal matters." Defendants and Jesy Bielicki on behalf of Plaintiff then seek to stay the action indefinitely and to require that Plaintiff "or his agent, must submit report to the Court every sixty (60) days, beginning January 30, 2025, regarding [Plaintiff's] condition and prognosis." The proposed order lists Plaintiff's address as the same P.O. Box address reflected on the docket. In other words, the address from which the Court's filings have been repeatedly returned as undeliverable. There appears to be no physical address available for Plaintiff because while the complaint alleges that the events leading to this lawsuit occurred at 46525 Shepherd Rd, Mount Pleasant, Michigan, the complaint further alleges that Plaintiff "currently resides homeless but has a P.O. Box 1263, Mount Pleasant, MI 48804." (ECF No. 1, PageID.2).

Rather than enter the proposed order, the Court will **extend Plaintiff's response date for the Order to Show Cause to Friday, January 17, 2025. Plaintiff is again warned that failure to respond to the Order to Show cause explaining why the case should not be dismissed for failure to prosecute will result in a recommendation that the case be dismissed.**

Although it is unclear how defense counsel is communicating with Plaintiff's agent, Jesy Bielicki, the **Court requests that defense counsel provide her with a**

copy of this Order and the Order to Show Cause and encourage her to either seek counsel to respond to the Order to Show Cause or to respond herself.

Finally, the Court is aware that Davidson has recently filed a motion for summary judgment (ECF No. 55) as well as a motion for leave to file a video exhibit (ECF No. 54). The Court intends to resolve the issues discussed in this Order before considering Davidson's motions.

IT IS ORDERED

Date: December 26, 2024

S/ PATRICIA T. MORRIS

Patricia T. Morris

United States Magistrate Judge